

HOUSE BILL 1043

E2, D4

0lr2531
CF SB 796

By: **Delegates Conway, Dumais, Bates, Beitzel, Bohanan, Branch, Bronrott, Cane, DeBoy, Eckardt, Elmore, Frush, Gaines, Griffith, Gutierrez, Guzzone, Haddaway, Heller, James, Jones, Levy, Mathias, Mizeur, Robinson, Rudolph, Schuh, Shewell, Sophocleus, Sossi, Stocksdale, and Wood**

Introduced and read first time: February 15, 2010

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Child Advocacy Centers**

3 FOR the purpose of requiring ~~the Department of Human Resources and~~ the Governor's
4 Office of Crime Control and Prevention ~~jointly~~ to establish and sustain child
5 advocacy centers in the State; specifying the organizations and entities in which
6 the centers may be based; specifying certain actions to be taken by the centers;
7 requiring that the State Victims of Crime Fund be used to support the centers;
8 ~~requiring the Governor's Office of Crime Control and Prevention to ensure that~~
9 ~~a certain amount of money be distributed equally to the centers annually as~~
10 ~~grants for certain purposes;~~ authorizing the ~~Department of Human Resources~~
11 Governor's Office of Crime Control and Prevention to contract with certain
12 organizations to operate the centers; requiring that money for the child
13 advocacy centers be as provided in the State budget and be used to supplement,
14 but not supplant, money that the centers receive from other sources; requiring
15 the Governor's Office of Crime Control and Prevention to provide ~~input into~~ a
16 certain report; ~~altering the subject of a certain report to include the child~~
17 ~~advocacy centers;~~ and generally relating to child advocacy centers.

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Procedure
20 Section 11–916, 11–919, and 11–923

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2009 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Criminal Procedure**

6 11–916.

7 (a) There is a State Victims of Crime Fund.

8 (b) (1) The Fund shall be used to pay for [carrying out]:

9 (i) **CARRYING OUT** Article 47 of the Maryland Declaration of
10 Rights;

11 (ii) **CARRYING OUT** the guidelines for the treatment and
12 assistance for victims and witnesses of crimes and delinquent acts provided in §§
13 11–1002 and 11–1003 of this title; [and]

14 (iii) **CARRYING OUT** any laws enacted to benefit victims and
15 witnesses of crimes and delinquent acts; AND

16 (IV) **SUPPORTING CHILD ADVOCACY CENTERS ESTABLISHED**
17 **UNDER § ~~11–923(D)~~ 11–923(G) OF THIS SUBTITLE.**

18 (2) The Fund may pay for the administrative costs of the Fund.

19 (c) The Board shall administer the Fund.

20 11–919.

21 (a) There is a grant program.

22 (b) The Governor’s Office of Crime Control and Prevention shall:

23 (1) adopt regulations for the administration and award of grants
24 under Part II of this subtitle; and

25 (2) submit all approved grant applications to the Board.

26 (c) The Board shall:

27 (1) approve each grant application received by the Governor’s Office of
28 Crime Control and Prevention before any money is released from the Fund; [and]

1 (2) ensure that the money obtained from unclaimed restitution under
 2 § 17-317(a)(3)(i) of the Commercial Law Article is used for annual grants to provide
 3 legal counsel to victims of crimes and delinquent acts to protect the victims' rights as
 4 provided by law; AND

5 (3) ENSURE THAT ~~A TOTAL OF \$500,000 IN ANNUAL GRANTS IS~~
 6 ~~EQUALLY DISTRIBUTED TO ALL CHILD ADVOCACY CENTERS ESTABLISHED~~
 7 ~~UNDER § ~~11-923(D)~~ 11-923(G) OF THIS SUBTITLE SHALL:~~

8 (I) ~~FOR SUPPORT~~ THE DEVELOPMENT AND OPERATION OF
 9 CHILD ADVOCACY CENTERS; AND

10 (II) ~~TO~~ SUPPLEMENT AND NOT SUPPLANT MONEY THAT THE
 11 CHILD ADVOCACY CENTERS RECEIVE FROM OTHER SOURCES.

12 11-923.

13 (a) The General Assembly finds that an increasing number of sexual assault
 14 offense victims in the State:

15 (1) lack necessary counseling and follow-up services; and

16 (2) in some parts of the State, have only the help of extremely limited
 17 support services.

18 (b) The purpose of this section is to provide for sexual assault crisis programs
 19 that address the special needs of sexual assault victims.

20 (c) (1) The Department of Human Resources shall help establish sexual
 21 assault crisis programs in the State.

22 (2) The programs shall be developed and located to facilitate their use
 23 by alleged victims residing in surrounding areas.

24 (3) The programs shall:

25 (i) provide specialized support services to adult and minor
 26 alleged victims of sexual assault crimes; and

27 (ii) include a hotline and counseling service.

28 ~~(D) (1) THE DEPARTMENT OF HUMAN RESOURCES AND THE~~
 29 ~~GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION JOINTLY SHALL~~
 30 ~~ESTABLISH AND SUSTAIN CHILD ADVOCACY CENTERS IN THE STATE.~~

31 ~~(2) THE CHILD ADVOCACY CENTERS:~~

1 ~~(I) MAY BE BASED IN PRIVATE NONPROFIT~~
 2 ~~ORGANIZATIONS, LOCAL DEPARTMENTS OF SOCIAL SERVICES, LOCAL LAW~~
 3 ~~ENFORCEMENT AGENCIES, OR A PARTNERSHIP AMONG ANY OF THESE ENTITIES;~~

4 ~~(II) SHALL BE DEVELOPED AND LOCATED TO FACILITATE~~
 5 ~~THEIR USE BY ALLEGED VICTIMS RESIDING IN THE SURROUNDING AREAS;~~

6 ~~(III) SHALL INVESTIGATE ALLEGATIONS OF SEXUAL CRIMES~~
 7 ~~AGAINST CHILDREN AND SEXUAL ABUSE OF MINORS;~~

8 ~~(IV) SHALL PROVIDE OR FACILITATE REFERRALS TO~~
 9 ~~APPROPRIATE COUNSELING, LEGAL, MEDICAL, AND ADVOCACY SERVICES FOR~~
 10 ~~VICTIMS; AND~~

11 ~~(V) SHALL BE INCLUDED IN ALL JOINT INVESTIGATION~~
 12 ~~PROCEDURES DEVELOPED IN ACCORDANCE WITH § 5-706 OF THE FAMILY LAW~~
 13 ~~ARTICLE.~~

14 ~~[(d)] (E)~~ The Department of Human Resources may contract with public or
 15 private nonprofit organizations to operate:

16 ~~(1) the sexual assault crisis programs; AND~~

17 ~~(2) THE CHILD ADVOCACY CENTERS.~~

18 ~~[(e)] (F)~~ Money for the sexual assault crisis programs ~~AND CHILD~~
 19 ~~ADVOCACY CENTERS~~ shall be as provided in the annual State budget and shall be
 20 used to supplement, but not supplant, money that the programs ~~AND CENTERS~~
 21 receive from other sources.

22 ~~[(f)] (G)~~ The Secretary of Human Resources, ~~WITH INPUT FROM THE~~
 23 ~~GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION~~, shall include a
 24 report on the sexual assault crisis programs ~~AND CHILD ADVOCACY CENTERS~~ in the
 25 Department of Human Resources annual report to the General Assembly.

26 (G) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND
 27 PREVENTION SHALL ESTABLISH AND SUSTAIN CHILD ADVOCACY CENTERS IN
 28 THE STATE.

29 (2) THE CHILD ADVOCACY CENTERS:

30 (I) MAY BE BASED IN PRIVATE NONPROFIT
 31 ORGANIZATIONS, LOCAL DEPARTMENTS OF SOCIAL SERVICES, LOCAL LAW
 32 ENFORCEMENT AGENCIES, OR A PARTNERSHIP AMONG ANY OF THESE ENTITIES;

1 (II) SHALL BE DEVELOPED AND LOCATED TO FACILITATE
2 THEIR USE BY ALLEGED VICTIMS RESIDING IN THE SURROUNDING AREAS;

3 (III) SHALL INVESTIGATE ALLEGATIONS OF SEXUAL CRIMES
4 AGAINST CHILDREN AND SEXUAL ABUSE OF MINORS;

5 (IV) SHALL PROVIDE OR FACILITATE REFERRALS TO
6 APPROPRIATE COUNSELING, LEGAL, MEDICAL, AND ADVOCACY SERVICES FOR
7 VICTIMS; AND

8 (V) SHALL BE INCLUDED IN ALL JOINT INVESTIGATION
9 PROCEDURES DEVELOPED IN ACCORDANCE WITH § 5-706 OF THE FAMILY LAW
10 ARTICLE.

11 (3) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND
12 PREVENTION MAY CONTRACT WITH PUBLIC OR PRIVATE NONPROFIT
13 ORGANIZATIONS TO OPERATE CHILD ADVOCACY CENTERS.

14 (4) MONEY FOR CHILD ADVOCACY CENTERS SHALL BE AS
15 PROVIDED IN THE ANNUAL STATE BUDGET AND SHALL BE USED TO
16 SUPPLEMENT, BUT NOT SUPPLANT, MONEY THAT THE PROGRAMS RECEIVE
17 FROM OTHER SOURCES.

18 (5) ON OR BEFORE JANUARY 1 EACH YEAR, THE GOVERNOR’S
19 OFFICE OF CRIME CONTROL AND PREVENTION SHALL SUBMIT AN ANNUAL
20 REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
21 ARTICLE, ON CHILD ADVOCACY CENTERS TO THE GENERAL ASSEMBLY.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.